

Georgia State Board of Funeral Service

Board Meeting

October 16, 2012

A meeting of the Georgia State Board of Funeral Service was held on October 16, 2012 at the Professional Licensing Boards office in Macon, GA. Chairman Thelon Hamby called the meeting to order at 10:00 a.m.

A quorum was established with members present being: Chairman: Thelon Hamby, Terry Daviston, Nancy Kennedy and Michael Fowler. David Roach, Bryant Hightower and Lauren McDonald were present via remote satellite from the Secretary of State's office in Atlanta, Ga.

Others present were as follows: Steve Lindsey, Executive Director, Grechelle Blocker, Board Support Specialist. Reagan Dean, Assistant Attorney General was present via remote satellite from the Secretary of State's office in Atlanta, Ga.

Executive Session:

Terry Daviston moved to enter into Executive Session to deliberate on applications, complaints, and investigations, as authorized by O.C.G.A. § 43-1-2 (k) and 43-1-19 (h). Nancy Kennedy seconded the motion. The motion was carried by Thelon Hamby, Chairman; Michael Fowler, David Roach, Terry Daviston, Bryant Hightower, Nancy Kennedy and Lauren McDonald. The Board concluded Executive Session in order to vote on the matters discussed and to continue with the public session.

Applications:

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following applications for Funeral Director in Full & Continuous Charge:

- | | | |
|-----------|-----------------------------------|--------------------------|
| • 1781508 | Sylvania Funeral Home | Maria Spaulding-Fontanez |
| • 1781841 | Bynes-Royall Funeral Home Inc | Edward D Musgrow |
| • 1783888 | Snows Memorial Chapel | Reginald L Smith |
| • 1783891 | Macon Memorial Park Funeral Home | LaDon R Kozee |
| • 1783887 | Poteet Funeral Home Inc South | Sean M Gillen |
| • 1783880 | Central Savannah River Cremetory | Joseph W Wilson |
| • 1787483 | Caldwell & Cowan Funeral Home Inc | Brian S Ellis |

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following applications for reinstatement of Embalmer licensure:

- | | |
|-----------|--------------------|
| • 1765250 | Rinaldo R Moss |
| • 1780939 | Charlie Jones |
| • 1784825 | Patches S Phillips |
| • 1780737 | Phil L Graham |

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Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following applications for reinstatement of Funeral Director licensure:

- 1765252 Rinaldo R Moss
- 1784828 Patches S Phillips
- 1780738 Phil L Graham

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following Embalmer and Funeral Director applications for licensure by reciprocity:

- 1761197 Larry Snead
- 1761198

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to table the following applications for reactivation of Embalmer and Funeral Director licensure pending passing of the Georgia Funeral Service Laws and Rules Examination:

- 1789189 P N
- 1789186

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following application for Funeral Service Apprentice:

- 1789181 Jessica Rigg

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following application for Funeral Service Apprentice pending reinstatement of the Establishment license:

- 1785035 Shontae Philpot

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following application for reinstatement of Funeral Service Apprentice under Trade Embalmer, Carl Hurt:

- 1785571 Charles Walker

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to table the following application for Funeral Service Apprentice until the November 2012 meeting:

- 1785937 J V F

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Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to approve the following applications for name changes:

- 1784021 Sherrell-Westbury Funeral Home
- 1789002 Herschel Thornton Mortuary
- 1789490 Griner-Ellison Funeral Home

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to refer the following to the Attorney General's office for reinstatement by Consent Order on the FEST & FDFCC, to include \$1250 fine on FEST, 2 years probation; \$1250 fine on FDFCC & 2 years probation; and order to be accepted upon receipt of signed order:

- A D M

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to deny the following applications for Embalmer licensure:

- 1786125 E T H
- 1785926 E J S

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to deny the following application for Funeral Director licensure:

- 1785927 E J S

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to deny the following application for new Establishment:

- 1778477 S J F H

Michael Fowler moved, Terry Daviston seconded, and the Board voted to accept the updates on pending cases from the Attorney General's report.

Nancy Kennedy moved, Michael Fowler seconded, and the Board voted to accept the Cognizant Member's recommendations on the following cases:

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FUN120182	Refer to Investigation to interview new employer regarding whether any of the families associated with the missing files have had contact with his funeral home.
FUN130014	Close
FUN130006	Close
FUN130012	Refer to Enforcement for investigator to interview E W to obtain statement of whether he actually did the embalming on the deceased in this case. Interview Complainant for statement regarding Respondent performing unlicensed embalming. Interview D T to obtain statement regarding whether he performs embalming for E W, and whether to his knowledge E W does any embalming.
FUN120091	Refer to AG to prepare to remove FDFCC from her position at the Establishment

Michael Fowler moved, Terry Daviston seconded, and the Board voted to ratify the following order to accept fine money for inspection violations:

- McCray Godfrey Mortuary Services of Valdosta LLC \$500 Valdosta, GA

Michael Fowler moved, Terry Daviston seconded, and the Board voted to refer the following case to the Attorney General's office for a Hearing:

- FUN130002

Approval of Minutes:

Terry Daviston moved, Bryant Hightower seconded, and the Board voted to approve the Executive Session minutes and the corrected Official minutes from the September 11, 2012 meeting.

Terry Daviston moved, Michael Fowler seconded, and the Board voted to approve both Official and Executive Session minutes from the October 5, 2012 Conference called meeting.

Michael Fowler moved, Bryant Hightower seconded, and the Board voted to ratify the following licenses issued since the September 11, 2012 Board meeting:

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License No	Licensee	Profession
CREM000097	Jones-Wynn Funeral Home & Crematory Inc	Funeral Service
CREM000098	East Georgia Crematory	Funeral Service
EMB004805	Ore, William Opie Bernard	Funeral Service
EMB004806	Canteen, Carlton Keon, Jr	Funeral Service
EMB004807	Smith, Tamela Faye	Funeral Service
EMB004808	Patterson, Gregory Ed	Funeral Service
EMB004809	Wilkes, Benjamin Kyle	Funeral Service
EMB004810	Bostic, Bradley Fred	Funeral Service
FD005212	Canteen, Carlton Keon, Jr	Funeral Service
FD005213	Smith, Tamela Faye	Funeral Service
FD005214	Patterson, Gregory Ed	Funeral Service
FD005215	Wilkes, Benjamin Kyle	Funeral Service
FD005216	Bostic, Bradley Fred	Funeral Service
FD005217	Ore, William Opie Bernard	Funeral Service
FEST001841	Community Mortuary	Funeral Service
FEST001842	Moody-Daniel Funeral Home & Cremation Services	Funeral Service
FEST001843	Jones-Wynn Funeral Home & Crematory Inc	Funeral Service
FEST001844	Burden's Funeral Home	Funeral Service
FSA005468	Posey, James Richard	Funeral Service
FSA005469	Saunders, Tony C	Funeral Service
FSA005470	Lester, Kristian Paige	Funeral Service
FSA005471	Richardson, Denishea Ashae	Funeral Service
FSA005472	Ogle, Paige Fowler	Funeral Service
FSA005473	Philpot, Angela Lauren	Funeral Service
FSA005474	Wilkins, Cynthia Lynette	Funeral Service
FSA005475	Moulton, Taylor Randall	Funeral Service
FSA005476	Melton, Melvin, Jr	Funeral Service
FSA005477	Flowers, Lisa Rene'	Funeral Service
FSA005478	Watkins, Claudia Lee	Funeral Service
FSA005479	Viliborghi, John C	Funeral Service
FSA005480	Mcdonald, Claire Hailey	Funeral Service
FSA005481	Beecher, Matthew Randall	Funeral Service

Continuing Education:

David Roach moved, Nancy Kennedy seconded, the Board voted to accept the following continuing education courses:

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Program Provider/Sponsor	Course Title	HRS Requested	HRS Approved
National Funeral Directors Association Kathleen Walczak 13625 Bishop's Drive Brookfield, WI 53005 (800) 228-6332 kwalczak@nfd.org	Complying With Changes to the OSHA Hazard Communication Standard	1	1
International Cemetery, Cremation and Funeral Association Daniel Osorio 107 Carpenter Drive, Suite 100 Sterling, VA 20164 (703) 391-8400 danielo@iccfa.com	2012 Fall Management Conference	8	8
Selected Independent Funeral Homes Nichole Donatello-Trefilek 500 Lake Cook Road, Suite 205 Deerfield, IL 60015 (847) 236-9401 nicoled@selectedfuneralhomes.org	Selected Independent Funeral Homes 2013 Next Generation Seminar	8	8

David Roach moved, Nancy Kennedy seconded, the Board voted to table the following continuing education course:

Program Provider/Sponsor	Course Title	HRS Requested
Kates-Boylston Publications	7 th Annual Funeral Service Business Plan	13

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Other Business:

Lauren McDonald moved, Michael Fowler seconded, and the Board voted to post amendments to the following Board rule:

250-6-.07 Crematory Inspections. Amended.

(1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

Although the funeral director in full and continuous charge need not be present for the inspection, the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

- (a) A room, with seating for at least 30 persons, where funeral services are conducted in the crematory.
- (b) A display room containing an adequate supply of urns;
- (c) One operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm;
- (d) At least one operable retort for cremation;
- (e) At least one operable processing station for grinding of cremated remains;
- (f) At least one church truck; and
- (g) A current license for the crematory and funeral director, which must be conspicuously displayed.
- (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments.

(2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. Such information shall include, but not be limited to:

- (a) Make and model of the retort;
- (b) Manufacturer's name;
- (c) Year installed;
- (d) Date of most recent manufacturer's inspection;
- (e) Copy of most recent inspection report from manufacturer;
- (f) Documentation regarding necessary repairs to the retort.

(3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed 30 days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.

(4) The Board shall require the Funeral Director in Full and Continuous Charge to be certified as crematory operator from a course approved by the Board.

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Bryant Hightower moved, Michael Fowler seconded, and the Board voted to post amendments to the following Board rule:

250-6-.09 Responsibilities of the Funeral Director in Full & Continuous Charge.

(1) The Funeral Director in Full & Continuous Charge shall:

- (a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by OCGA §§ 43-18-5(a), 43-18-46(25), & 43-18-73.
- (b) Ensure that the funeral establishment complies with the provisions of OCGA § 43-18-70 and Rule 250-6-.06.
- (c) Ensure that the crematory complies with the provisions of OCGA § 43-18-72 and Rule 250-6-.07.
- (d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times while they are in the employ of the establishment, as required by OCGA §§ 43-18-5(a) & 43-18-46(18), (25).
- (e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by OCGA §§ 43-18-5(d) & 43-18-46(7).
- (f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by OCGA § 43-18-5(e).
- (g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with OCGA §§ 43-18-5(f) & 43-18-46(16).
- (h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment or cremation and that all cremated remains are labeled in accordance with the provisions of OCGA § 43-18-8(a).
- (i) Ensure that the certificate of cremation is completed with notarized signature and presented to the legally authorized person at the time of delivery or release, in accordance with OCGA § 43-18-8(b).
- (j) Ensure that the licenses or wall certificates issued by the Board to the establishment and all licensed people employed by the establishment are posted in a conspicuous place in the establishment, as required by OCGA § 43-18-44.
- (k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with OCGA § 43-18-46(4), (9).
- (l) Ensure that charges for merchandise and services rendered are in compliance with the

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General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by 16CFR453.2 & OCGA § 43-18-46(17).

(m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by 16CFR453.2.

(n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.

(o) Ensure compliance with the terms of the funeral services contract, as required by OCGA § 43-18-46(12).

(p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with OCGA § 43-18-46(11), (23). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.

(q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with OCGA § 43-18-46(13).

(r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by OCGA § 43-18-46(15), (26).

(s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by OCGA § 43-18-46(19).

(t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in OCGA § 43-18-1(21). Soliciting is prohibited by OCGA § 43-18-46(20).

(u) Ensure that all apprenticeship service reports and affidavits of embalming and directing for apprentices of the establishment are accurate and signed by the appropriate supervisor(s), in accordance with OCGA §§ 43-18-46(21) & 43-18-52.

(v) Ensure that apprentices of the establishment work under the direct supervision of the supervisor(s) on record with the Board, in accordance with OCGA § 43-18-50. It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).

(w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.

(x) Ensure that the establishment complies with all federal, state, and local regulations as listed in OCGA § 43-18-46(22).

(y) Ensure that discrimination, as described in OCGA § 43-18-46(24), is not tolerated in the establishment.

(z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with OCGA § 43-18-46(25).

(aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by OCGA § 43-18-46(14), (27).

(bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or

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minister, found in OCGA § 43-18-46(28), is adhered to by employees of the establishment with such dual roles.

(cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of OCGA § 43-18-55 and 43-18-56, regarding continuing education.

(dd) Ensure that the FDFCC complies with the responsibilities detailed in OCGA § 43-18-71 by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community.

(ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by OCGA § 43-18-71(b).

(ff) Ensure that the Board is notified within 15 days prior to a change of ownership in the establishment, as required by OCGA § 43-18-73(b).

(gg) Ensure that the Board is notified within 5 days of the destruction of the establishment by fire, flood, or other natural cause, in accordance with OCGA § 43-18-78. If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.

(hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by OCGA § 43-18-75(a) & Rule 250-6-.06.

(ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.

(jj) Ensure that cremated remains are disposed of in accordance with the provisions of OCGA § 43-18-80.

(kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized crematory repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.

(2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

There being no further business, the meeting adjourned at 2:00 p.m.

The Georgia State Board of Funeral Service's next meeting will be held Tuesday, November 13, 2012 at 10:00 a.m. at the Professional Licensing Board, 237 Coliseum Drive, Macon, GA.